IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorneys Docket No.: 40072-0008

Applicants: Shin-ichi KITAHARA, et al.

Confirmation No.: 7416

Appl. No.: 10/500,157 Group Art Unit: 1624

Filed: June 25, 2004 Examiner: Bruck Kifle

Title: NOVEL CRYSTALLINE TRICYCLIC TRIAZOLOBENZAZEPINE DERIVATIVE

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Shin-ichi KITAHARA, the undersigned, do hereby declare:

1. THAT I am a co-inventor of the invention described and claimed in the above patent application.

2. THAT the following experiments were conducted under my direction and control:

(1) Preparation of crystalline compound of USP 6,372,735 2-(1-isopropoxycarbonyloxy-2-methylpropyl)-7,8-dimethoxy-4(5H),10-dioxo-2H-1,2,3-triazolo[4,5-c][1]benzazepine was prepared in the same manner as described in column 42, line 16 to column 43, line 34 of USP 6,372,735. The same preparation process was repeated three times to obtain three samples, Samples

I, II and III.

(2) Powder X-ray diffraction

Samples I, II and III thus obtained above were evaluated by a powder X-ray diffraction device. Measuring conditions were the same as described in the specification of the above application on page 6, lines 5 to 12. The powder X-ray diffraction patterns of Samples I, II and III are shown in the attached sheets. Further, the characteristic peaks of these samples are as follows:

Sample I: 4.7±0.1°, 10.6±0.1°, 12.7±0.1°, 18.7±0.1°
Sample II: 4.7±0.1°, 10.6±0.1°, 12.8±0.1°, 18.7±0.1°
Sample III: 4.6±0.1°, 10.9±0.1°, 12.3±0.1°, 18.9±0.1°

(3) Differential scanning calorimetry (DSC)

Samples I, II and III thus obtained above were evaluated with DSC. Measuring conditions were the same as described in the specification of the above application on page 6, lines 22 to 28. The DSC charts of Samples I, II and III are shown in the attached sheets. According to the charts, the melting points of these samples are considered as follows:

Sample I:

The sample had one endothermic peak at 220°C with an onset temperature of 200°C and a termination temperature of 228°C. Thus, the melting point of the sample crystalline compound is in the range of 200°C to 228°C (with decomposition).

Sample II:

The sample had one endothermic peak at 222°C with an onset temperature of 200°C and a termination temperature of 229°C. Thus, the melting point of the sample crystalline compound is in the range of 200°C to 229°C (with decomposition).

Sample III:

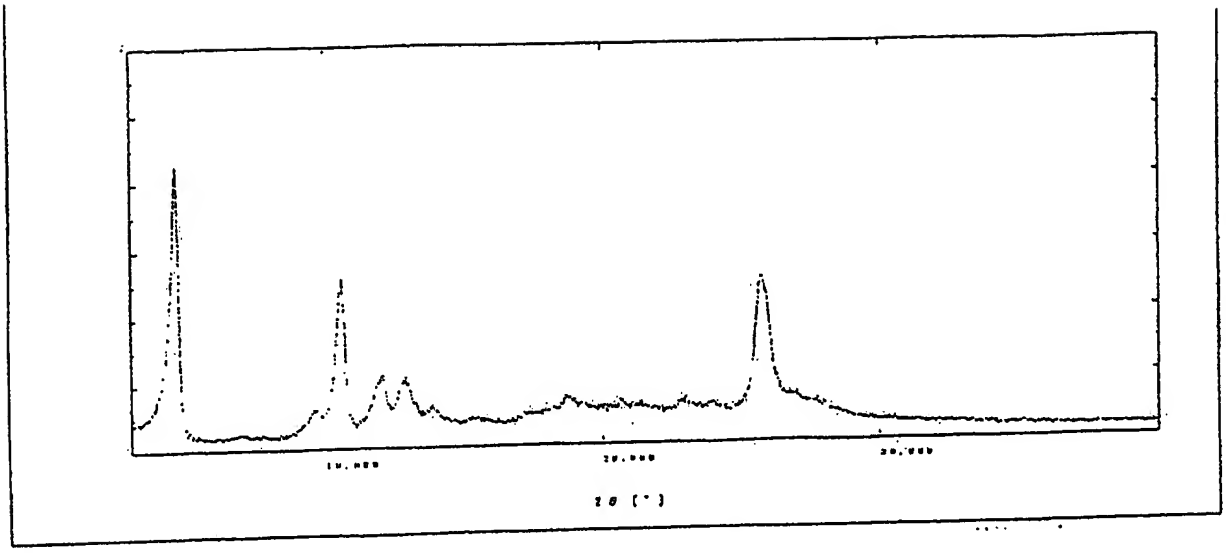
The sample had one endothermic peak at 222°C with an onset temperature of 199°C and a termination temperature of 229°C.

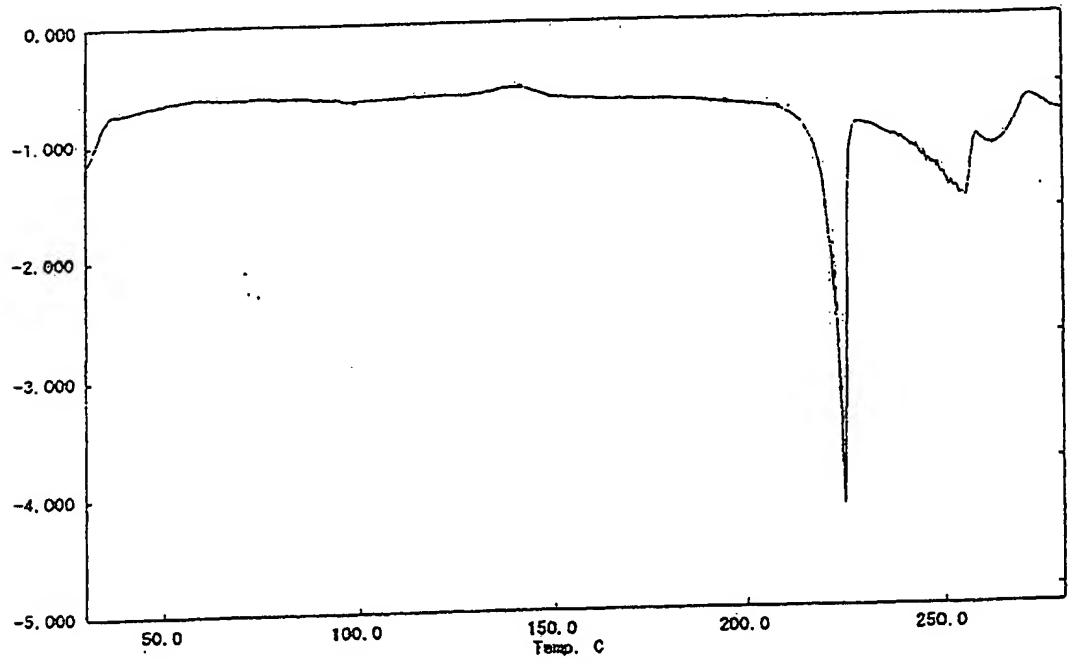
Thus, the melting point of the sample crystalline compound is in the range of 199°C to 229°C (with decomposition).

3. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

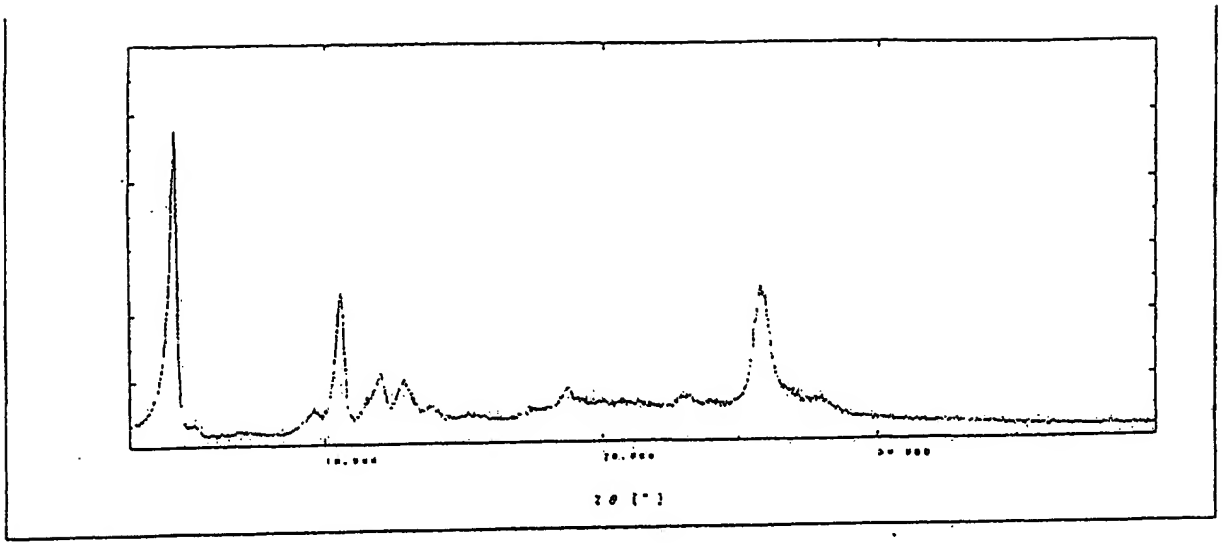
April 20, 2005
Date

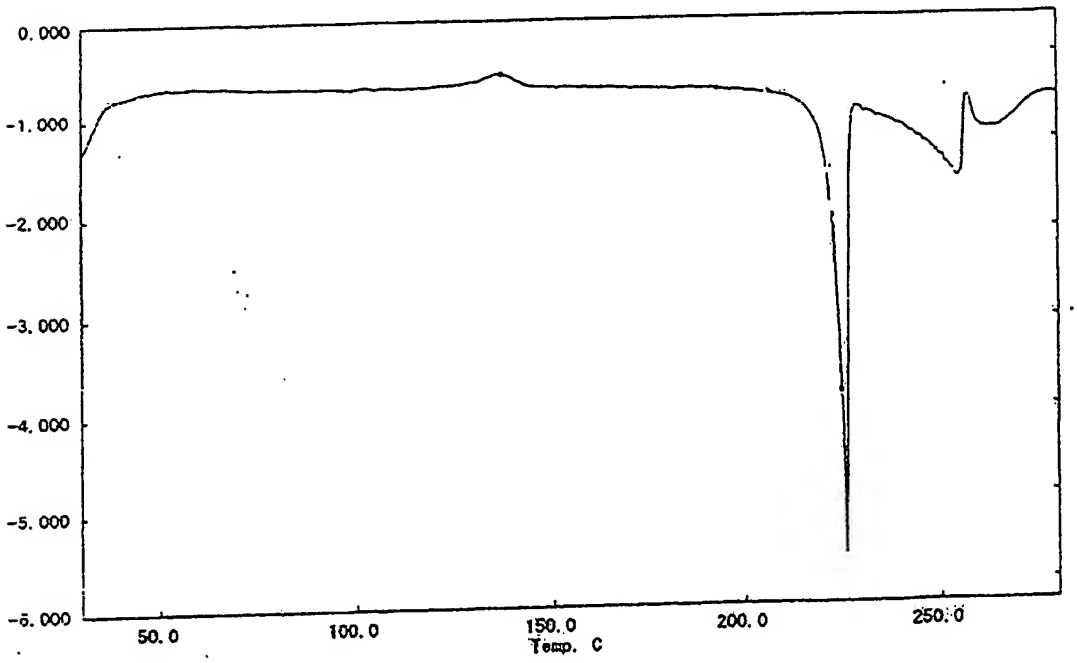
Shin-ichi Kitahara
Shin-ichi KITAHARA





II





III